

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5194 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SC/ST District- Katihar

BAHAW ALI Son of Ansur Ali Resident of Village - Bhodu Tola, P.S.-
Rautara, District - Katihar.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seeks for setting aside the order dated 1.10.2019 passed in SC/ST P.S.Case No.13 of 2019 for the offences punishable under Sections 323, 376, 365, 448, 420, 504/34 of the Indian Penal Code and Section 3(v)(x) of SC/ST Act by the learned Sri Rishi Kumar Singh, ADJ Ist cum Special Judge, Katihar whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

As per the complaint petition, on the basis of which FIR has been registered, it appears that the complainant was a married lady, having seven children and she has come



with an allegation that the appellant has committed rape upon her and thereafter assaulted her and abused her by taking caste name.

Submission of the learned counsel for the appellant is that she in her statement recorded under Section 164 Cr.P.C., which he has filed along with the Supplementary Affidavit, has admitted her marriage with the appellant and the present allegations are false and concocted and no case under Section 3 of the SC/ST (POA) Act or under Section 376 of the IPC is made out.

Heard learned counsel for the State also

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Rishi Kumar Singh, ADJ Ist cum Special Judge, Katihar in connection with SC/ST P.S.Case No.13 of 2019, subject to condition as laid down under Section 438 of Cr.P.C.



With the above direction, this appeal is allowed.

(Vinod Kumar Sinha, J)

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